

## **REMARKS**

This Amendment responds to the Office Action dated July 24, 2009 in which the Examiner rejected claims 1-8 under 35 U.S.C. § 103.

As indicated above, claims 1 and 4 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claim 1 claims an image pick-up apparatus and claim 4 claims an image pick-up method. The apparatus and method include a solid-state image pick-up device, a switching means, a control means, a storage means and a timing generating means. The timing generating means is directly connected to the storage means. The timing generating means controls read out of an output CCD output signals from the image pick-up device and controls the storage and output of the storage means. During non-readout of the image pick-up device, the storage means outputs a CCD output image as the motion video signal of the moving image.

By having a timing generating means directly connected to the storage means to control storage and output of the storage means such that the storage means outputs a same CCD output image during non-readout of the image pick-up device, as claimed in claims 1 and 4, the claimed invention provides an image pick-up apparatus and method in which determination of picture quality by movement or vibration of a moving object is adjusted. The prior art does not show, teach or suggest the invention as claimed in claims 1 and 4.

Claims 1-8 were rejected under 35 U.S.C. § 103 as being unpatentable over *Suzuki, et al.* (U.S. Patent No. 6,515,703) in view of *Okino, et al.* (U.S. Patent No. 5,019,911).

*Suzuki, et al.* appears to disclose in Figure 1 a timing signal generator 2 for generating a timing signal used to control the operation of an image sensing device (column 7, lines 6-8). An image sensing device driver 4 amplifies a signal output by the timing signal generator 2 to a

level sufficiently large to drive the image sensing device 1 and supplies the amplified signal to the image sensing device 1 (column 7, lines 10-14). In Figure 10, a timing signal generator 34 generates a timing signal under which an image sensing device 33 operates. An image sensing device driver 36 amplifies a timing signal supplied by the timing signal generator 34 to a level needed to drive the image sensing device 33 (column 10, lines 58-65). A buffer memory 46 temporarily stores a digital signal (column 11, lines 16-17).

Thus, *Suzuki, et al.* merely discloses a timing signal generator connected to an image sensing device driver 36. Nothing in *Suzuki, et al.* shows, teaches or suggests a timing signal generator directly connected to a storing means for controlling storage and output of the storage means such that during non-readout of the image pick-up device, the storage means outputs a same CCD output signal as the video signal as claimed in claims 1 and 4. Rather, *Suzuki, et al.* only discloses that the timing signal generator 34 outputs to the image sensing device driver 36.

*Okino, et al.* appears to disclose a control circuit 10 judges whether or not a light amount is sufficient on the basis of a reference value  $L_0$ . The reference value is set to about 70% of the correct light amount. For reading the CCD image sensor 5, when the light amount is almost sufficient, the frame image pick-up mode is automatically selected by the control circuit 10. When there is insufficient light, the field image pick-up mode in which the sensitivity becomes two times as high as the frame image pick-up mode is selected (column 4, lines 56-68).

Thus, *Okino, et al.* merely discloses selecting a reading mode based upon the amount of light. Nothing in *Okino, et al.* shows, teaches or suggests a timing generating means directly connected to a storage means for controlling storing and output of a storage means such that during non-readout of the image pick-up device, the storage means outputs a same CCD output

signal as video signals as claimed in claims 1 and 4. Rather, *Okino, et al.* merely discloses selecting a reading mode based upon the amount of light.

A combination of *Suzuki, et al.* and *Okino, et al.* would merely suggest that in the digital camera of *Suzuki, et al.* to have a control circuit which changes the frame or field mode based upon the amount of received light as taught by *Okino, et al.* Thus, nothing in the combination of the references shows, teaches or suggests a timing generating means directly connected to a storage means for controlling storage and output of the storage means such that during non-readout of the image pick-up device, the storage means outputs a same CCD output signal as video signals as claimed in claims 1 and 4. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 1 and 4 under 35 U.S.C. § 103.

Claims 2-3 and 5-8 depend from claims 1 and 4 and recite additional features. Applicant respectfully submits that claims 2-3 and 5-8 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Suzuki, et al.* and *Okino, et al.* at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 2-3 and 5-8 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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Date: October 22, 2009

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